

Honorable Linda S. Hallmark

In order to better serve the attorneys and litigants appearing in Judge Hallmark's courtroom, we have adopted the following guidelines. Please advise your clients and staff so that there are no misunderstandings.

Location

First Floor - Oakland County Courthouse, Courtroom W1
Telephone: 248-858-0289

Background

Judge Hallmark is a graduate of Michigan State University and Wayne State University Law School. She has served on the Probate Court/Family Court since 1997. Judge Hallmark was a referee for the Oakland County Friend of the Court from 1980-1997. From 1977-1980, she practiced Probate law with the firm of May & May, P.C. in Detroit.

Orders Presented for Judge's Signature

- **Signatures:** Original signatures must appear on all orders. Clients and Attorneys must both sign orders (if applicable). No faxed signatures will be accepted.
- **True Copies:** The court will process four true copies of each order signed, or as many true copies as there are parties, whichever is greater.
- **Returning Orders:** True copies of orders will be mailed if a self-addressed stamped envelope is provided with the order. If an envelope is not attached, true copies will be held for two business days. Because of space constraints, orders cannot be held for a longer period. If orders are not picked up, the original order will be filed and the true copies will be discarded.

Motion Practice

- **Check-In Procedure:** Motions are heard at 8:30 a.m. on Wednesday mornings. Hearing dates are set by the moving party. Check-in for motion call begins at 8:30 a.m. No one will be allowed to check in later than 9:30 a.m. unless good cause is shown. Due to the volume of motions that are scheduled, all motions must be ready to be heard, with all parties present in the courtroom no later than 11:30 a.m. Parties and their counsel are to meet with the Friend of the Court (if appropriate) prior to going before the Judge. The staff attorney may meet with counsel prior to a motion being heard, in order to resolve disputed issues.
- **Judge's Copy of Motions and Briefs:** A copy of the motion and response must be delivered to the Judge's office. The Judge reviews all motions and responses prior to hearing. Copies of all pleadings must be delivered to the Judge's office no later than 12:00 p.m. on Friday.
- **Adjourned Motions:** Opposing sides must seek concurrence from the moving party in order to adjourn. If the motion is adjourned, a new Judge's copy must be filed with the Judge's clerk upon rescheduling of the motion. The moving party must contact the Judge's office no later than Tuesday if a motion will be adjourned or has settled. It is

the responsibility of the moving party to file a new praecipe and notice of hearing.

- **Late Filed Praecipes:** Praecipes must be filed timely and accurately in order to have your motion placed on the docket. No add-ons are accepted.
- **Emergency Motions:** A request for an emergency motion may be submitted at any time. To be considered, a written petition explaining the request must be submitted to the court.
- **Motions to Settle Orders:** A transcript of the proceeding in which the order was made must be submitted to the court prior to the hearing on the motion.
- **Request for Evidentiary Hearing:** If an issue involves a factual dispute, a motion must be filed in order to request an evidentiary hearing before the judge.
- **Miscellaneous:** All Personal Protection Order related motions are heard on Wednesdays at 8:30 a.m. The moving party must file a praecipe for a regular motion.
- **Summary Disposition:** All motions for summary disposition pursuant to MCR 2.116 must be scheduled with the Judge's staff attorney.

Divorce

- **Settlement Conferences/Pre-Trials:** Settlement Conferences are only scheduled on divorces with minor children. There is no pretrial scheduled for divorces without minor children prior to trial date, unless specifically requested by counsel. Counsel and all parties are to be present at these hearings. If the case is not settled when it comes in for the settlement conference, a domestic scheduling order will be issued which will assign a trial date with cutoffs for discovery, mediation, filing of trial briefs, etc. Settlement Conferences cannot be waived.
- **Early Intervention Conference (EIC):** An EIC may be adjourned for good cause. Parties are required to attend the EIC at the Friend of the Court. If a party is requesting an adjournment of the EIC, they must contact the Friend of the Court referee and request the adjournment.
- **Adjournments:** Short-term adjournments of settlement conferences may be considered if good cause is shown. Only one adjournment will be allowed. Requests for first adjournment of trial must be made timely. Stipulated orders to adjourn must be submitted timely. Adjournments will not be considered the day before unless it is an emergency. Any subsequent adjournments must be requested by filing a motion.
- **Discovery:** Discovery cutoff extension requests must be brought before the cutoff date by motion.
- **Settlement:** Settlements may be placed on the record by notifying the court clerk and requesting a time for the taking of proofs. No written motion is required.
- **Trials:** Parties and counsel are expected to comply with all dates set forth in the domestic scheduling order. All exhibits are to be marked prior to trial and a book of proposed exhibits must be submitted to the court. Proposed findings of fact must be submitted after trial. Before the Judge will try a case, it must be mediated. Trial briefs must be submitted timely according to the domestic scheduling order. Oldest

cases are given priority. Any other cases scheduled the same day will be placed on standby, which will put all parties on 24 hours notice.

- **Judgments:** Judgments of divorce must be submitted within 21 days after hearing. MCR 3.211(G). All statutory language must be included in judgments of divorce. MCR 3.211, MCL 552.16, 722.31, and 552.603. If the judgment deals with the disposition of real property, the judgment must include a legal description of that property. Clients and attorneys must sign all judgments of divorce and QDROs. No faxed signatures will be accepted on a judgment or QDRO. A pretrial will be scheduled to ensure submission of the judgment if it is not presented at the time proofs are taken. Appearance at the pretrial is mandatory if a judgment of divorce has not been entered. Failure to appear at the pretrial will cause the case to be dismissed.
- **Friend of the Court Opt Out Motions:** The court requires a formal opt out motion be filed and heard on a Wednesday morning. The forms are available on the Friend of the Court website at www.oakgov.com/foc. All counsel and parties must be present and meet with the Friend of the Court referee before the Judge will hear the motion. Parties should be prepared to acknowledge the following:

If any dispute arises between us concerning child support, custody, parenting time or change of domicile that was not paid through the Friend of the Court, the issue will be submitted to private mediation, or upon our consent, binding arbitration, and the cost will be equally divided among us. For those parties opting out of Friend of the Court, mediation and arbitration services through the Friend of the Court will not be available to them.

We must keep accurate records regarding the direct payment of child support that is paid outside of the Friend of the Court or the State Disbursement Unit. The failure of either party to keep accurate records shall constitute a waiver of that party's right to claim any arrearage or credit regarding the child support account.

Probate

Probate petitions are heard Wednesday mornings at 8:30am. The Court will schedule contested probate matters for hearing. Status, settlement and pre-trial conferences are conducted upon request by counsel.

Attorney and Guardian ad Litem Appointments

Attorney appointments are handled by the Court Appointment Specialist and are done on a rotation basis. Those interested in court-appointments should contact the Court Appointment Specialist and request information on appointment procedures. Attorneys seeking such appointments must submit an application to Circuit Court Administration. The court handles appointment of guardian ad litem on probate matters and appellate attorneys for parents on a neglect/abuse matters only. Attorneys seeking these appointments must have taken the appropriate seminar and may see the court clerk for appointment.

The court also appoints attorneys to represent respondents in personal protection order show cause and violation hearings, Friend of the Court show cause hearings, paternity cases and as guardian ad litem in divorce and guardianship proceedings.